

## Chapter 605

### BUSINESS REGULATIONS

#### **Section 605.010. License Required.** [CC 1979 §41.010]

*Required, Generally.* It shall be unlawful for any person, either directly or indirectly, to conduct any business or to use in connection therewith any vehicle, premises, machine or device for which a license is required by this Chapter without the license so required having been first procured and thereafter kept in effect at all such times required by this Code or other ordinance.

#### **Section 605.020. License Application and Issuance.** [CC 1979 §41.110]

Every person required to have a license shall submit an application to the City License Officer by a written statement upon forms provided by the City License Officer, which shall disclose all information which the City License Officer shall find to be reasonably necessary to the fair administration of this Chapter, and which shall be accompanied by a receipt from the City Collector for the full amount of the fees chargeable for such license, which receipt shall not be construed as approval for the issuance of a license nor shall it entitle or authorize the applicant to open or maintain any business contrary to this Chapter.

#### **Section 605.030. License Fees.** [CC 1979 §41.170]

- A. The fees for licenses required under this Chapter shall be as established from time to time by ordinance of the Board of Aldermen and on file in the office of the City Clerk.
  1. All licenses shall be issued for a period of one (1) year and shall expire on the thirtieth (30th) day of June of the year following their issuance regardless of what month of the year they may be issued; provided, that for any license issued after the thirty-first (31st) day of December, the charge therefor shall be one-half (1/2) the yearly license fee.
  2. The fee for a business or occupation or license shall be the sum of thirty dollars (\$30.00) per year, and this amount may, from time to time, be changed by ordinance of the Board of Aldermen. [Ord. No. 376, 11-12-2012; Ord. No. 386, 5-13-2013]

#### **Section 605.035. Taxes and Fees To Be Paid To City Collector—Issuance of Receipt.** [CC 1979 §41.100]

Taxes and fees required by this Chapter to be paid by any person shall be payable to the City Collector who shall issue a proper receipt to each person making any such payment.

**Section 605.040. License Not Transferable.**

No license issued under the provisions of this Chapter shall be assignable or transferable but shall apply only to the person to whom same is issued. In the event any licensee, as provided for herein, shall move his/her place of business from one location to another location within the City, said licensee shall submit a statement of the fact of such change to the City License Officer, who may transfer such license as to location only. In no event, however, shall such license be transferred from one (1) person to another or from the kind of business or occupation originally licensed to another type of business or occupation.

**Section 605.050. Renewal Applications.** [CC 1979 §41.120]

- A. All applications for renewal of a license provided for herein shall be filed no later than June first (1st) of each year.
- B. Any applicant for the renewal of a license under this Chapter shall submit an application therefor to the City License Officer upon forms provided by the City License Officer, which shall include such information which he/she shall find to be reasonably necessary to the fair administration of this Chapter and information as to the conduct and operation of his/her business during the preceding licensing period.

**Section 605.060. Application—Refunds Upon Disapproval—Engaging in Business During Appeal, Prohibited.** [CC 1979 §41.130]

The City License Officer shall refund upon disapproving any application, direct the City Collector to refund all money paid in advance; provided, the applicant is not otherwise indebted to the City. When the issuance of a license is refused and any action or proceeding is brought by the applicant to compel its issuance, such applicant shall not engage in the business for which the license was refused.

**Section 605.063. Separate License Required For Each Business—Exception.** [CC 1979 §41.020]

For each business required by this Chapter to be licensed, a separate license shall be obtained. A person engaged in two (2) or more businesses at the same location shall not be required to obtain a separate license for each business but, when eligible, shall be issued one (1) license which shall specify on its face all such businesses.

**Section 605.064. Operating More Than One Business At Same Location.** [CC 1979 §41.030]

When any person engages in two (2) or more businesses at the same location, under one (1) license as authorized in Section 605.063, he/she shall pay a license fee equal to the sum of all the fees for each business so licensed.

**Section 605.065. When Person Deemed in Business.** [CC 1979 §41.040]

Except as may be provided otherwise in this Chapter, a person shall be deemed to be in business within the meaning of this Chapter when he/she is selling any goods or service, soliciting business, or offering goods or service for sale or hire, or using any vehicle or premises in the City for business purposes.

**Section 605.066. When License Is Required.** [CC 1979 §41.050]

- A. A license shall be required of every business, when the same be reasonably within the intention of the legislature of this State in the enactment of Section 94.270, RSMo., and other State Statutes.
- B. The City License Officer shall make the initial determination whether any particular business, activity, occupation, vocation or service shall be covered within this requirement. Such determination by the City License Officer be final and binding on persons affected thereby, unless and until such determination is held unreasonable or invalid by a court of competent jurisdiction.

**Section 605.067. Responsibility of Representatives For Compliance of Principals, Etc., With Chapter.** [CC 1979 §41.060]

The local agents or other representatives of non-residents who are doing business or engaging in non-profit enterprises in this City shall be personally responsible for the compliance of their principals and of the businesses and enterprises they represent with all applicable provisions of this Chapter.

**Section 605.068. License Not Required For Delivery of Purchases Outside City.** [CC 1979 §41.070]

Except as may be provided otherwise by this Chapter, no license shall be required of any person for any mere delivery in the City of any property purchased or acquired in good faith from such person at his/her regular place of business outside the City where no intent by such person is shown to exist to evade the provisions of this Chapter.

**Section 605.070. Display of License.**

Each license issued by the City under the provisions of this Chapter shall be carefully preserved and shall be displayed in a conspicuous place in the place of business authorized to be conducted by said license. If there is no place of business, said license shall be carried on the licensee's person.

**Section 605.080. Excepted Businesses and Occupations.**

The provisions of this Chapter shall under no circumstances be construed to require a license or a license fee for any business, occupation, pursuit or profession for which the City may be prohibited by law from licensing or requiring a fee for said license.

**Section 605.081. City License Officer—City Collector Designated.** [CC 1979 §41.080]

The City Collector shall be the City License Officer and shall issue in the name of the City all licenses required by this Chapter, to all qualified applicants therefor, when all required taxes and fees have been paid in accord with the provisions of this Chapter.

**Section 605.082. City License Officer—Powers and Duties.** [CC 1979 §41.090]

- A. The City License Officer, in issuing licenses required by this Chapter, shall:
1. Promulgate such rules and regulations as he/she may consider desirable for the administration of this Chapter. When approved by the Mayor, such rules and regulations shall be placed on file in the office of the City Clerk for inspection and use by the public, and the provisions thereof shall be enforced by him/her;
  2. Adopt all forms and prescribe the information to be given therein as to character of applicant's business and other relevant matter for all necessary papers;
  3. Require applicants to submit all affidavits and oaths necessary to the administration of this Chapter;
  4. Submit all applications, in each proper case, to interested City Officials for their endorsements thereon as to compliance by the applicant with all City ordinances which they have the duty of enforcing;
  5. Investigate and determine the eligibility of any applicant for a license or permit or renewal thereof, as prescribed in this Chapter;
  6. Notify any applicant of the acceptance or rejection of his/her application and, upon refusal of any license or permit and at the applicant's request, state in writing the reasons therefor and deliver them to the applicant.

**Section 605.083. Confidentiality of Information.** [CC 1979 §41.150]

The City License Officer, and all other City Officers and Officials who may be officially concerned with administering and enforcing this Chapter, shall keep all information furnished or secured under the authority of this Chapter in strict confidence. Such information shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known, except to the persons charged with the administration of this Chapter; provided, that this Section shall not prohibit any City Officer from testifying as to such information in compliance with a subpoena issued under a court of competent jurisdiction or from the Board of Aldermen in any proceeding before it.

**Section 605.090. Revocation of License—Grounds.**

- A. Any license issued by the City pursuant to the provisions of this Chapter may be revoked by the Board of Aldermen for any of the following reasons, as well as for any other reasons specified in this Chapter:

1. Any failure to comply with or any violation of any provisions of this Chapter, or any other ordinance of the City regulating the business, occupation or activity licensed, or the Statutes of the State of Missouri by any licensee.
2. Violation of the terms and conditions upon which the license was issued.
3. Failure of the licensee to pay any tax or obligation due to the City.
4. Any misrepresentation or false statement in the application for a license required herein.
5. Failure to display the license required herein.

Revocation of any license shall be in addition to any other penalty or penalties which may be imposed pursuant to these provisions.

**Section 605.100. Revocation of License—Procedure.**

- A. In any case in which a complaint has been made to the Board of Aldermen, or in which the Board of Aldermen have on their own determined that cause may exist for the revocation of a license under the provisions of this Chapter, the following procedures shall be followed:
1. The Board of Aldermen shall set a date for a hearing to consider the question of revocation.
  2. At least fifteen (15) days prior to said hearing, written notice shall be mailed to the licensee, by registered mail, return receipt requested, to his/her last known address as shown in the records of the City Clerk advising the licensee of the time, date and place of hearing and of the reason for considering the revocation of his/her license.
  3. During the pendency of this hearing before the Board of Aldermen, the licensee shall be permitted to continue the operation of his/her business.
  4. At the hearing set by the Board of Aldermen, the Board of Aldermen shall hear all relevant and material evidence justifying the retention of the license.
  5. The licensee may be present in person and/or by his/her attorney and may present evidence.
  6. After hearing the evidence presented, the Board of Aldermen shall vote on the issue of whether the subject license shall be revoked.
  7. The affirmative vote of a majority of the Board of Aldermen shall be necessary to revoke any license.

**Section 605.110. Penalty and Delinquency.**

Any person, firm or corporation or co-partnership who shall violate any provision of this Chapter, or who shall exercise or attempt to exercise any of the occupations, trades or avocations, or who shall carry on, or engage in, or attempt to carry on or engage in any of

the businesses for which a license is required in this Chapter in the City of Diamond, without first paying the tax herein levied, and obtaining a license therefor, shall, upon conviction, be deemed guilty of an ordinance violation and shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00). In addition to the above penalties, any person, firm or corporation or co-partnership who is required to take out a license, or any such person whose license has expired and notice has been given by the City License Officer, shall, if not paid within thirty (30) days after such tax is due pursuant to said notice, pay a penalty of twenty dollars (\$20.00), and for every thirty (30) days thereafter, twenty dollars (\$20.00) shall be added as a penalty, until the party required to take out such license shall have complied with the provisions regulating licenses in this Chapter. This penalty shall be collected with the license by the City License Officer and paid to the City of Diamond.